

REMARKS

Claims 1-7 have been canceled without prejudice or disclaimer. Claim 8-23 have been added and therefore are pending in the present application. Claims 8-23 are supported by the specification, drawings, and original claims.

Applicants respectfully submit that the present amendment presents no new issues or new matter and places this case in condition for allowance. Applicants therefore request reconsideration of the application in view of the above amendments and the following.

In the previous Office Action the Examiner objected to claims 4 and 5 on grammatical grounds and rejected claims 1-7 under 35 U.S.C. §112 and 102(e) in view of U.S. Patent No. 6,299,966 ("’966 patent") to Bonke et al. The §112 rejection was based on the Examiner’s opinion that the term "rotationally symmetry" as used in the claims was not defined in the specification. Applicants respectfully note that it is well-settled that the terms of a patent claims, unless defined to the contrary, should be given the ordinary and plain meaning. Applicants aver that an image has "rotational symmetry" if there is a centre point around which the object is turned a certain number of degrees and the object looks the same, i.e. it matches itself a number of times while it is being rotated. See e.g., <http://www.schools.ash.org.au/stkierans-manly/Classes/Yr6/6B/Symmetry/10.htm>. However, in the interest of expediting prosecution, applicants have proposed new claims that do not require rotational symmetry.

Applicants have added new claims 8-23 to define more clearly the present invention and to correct the grammatical, idiomatic errors, and the informalities noted by the Examiner in the previous Office Action. New claims 8-11 require that the writing or marking of the present invention be located on the rear side of a transparent member and be readable from a front surface on the member. This feature is not disclosed in the ’966 patent. Moreover, as claimed, the present invention requires that the writing or marking be so configured as to convey information, whereas the ’966 patent is directed to a foil over a total surface of which uniform protrusions are uniformly provided but which do not convey any information.

Likewise, claims 12-14 are directed toward a medical device that has a transparent member with protrusions on a rear surface that convey information when the member is viewed from the front surface. The ’966 patent does not disclose or suggest that the protrusions be

located on a rear surface and be viewed from a front surface to convey information. Nor does it disclose that the plastic wrap may be part of a medical device. The plain and clear language of the '966 patent suggests only that the invention disclosed therein is useful as plastic wrap, e.g. for use with microwave cooking and heating.

Moreover, claims 8-12, 13, 14, and 22 require that the protrusions be spherical or semi-spherically shaped. Applicants note that the Examiner believes that the '966 patent at col. 3 lines 22-27 discloses this geometric shape for the protrusions, however, applicants respectfully disagree since the '966 does not suggest or imply spherical or semi-spherical protrusions.

Finally, applicants note that claims 21-23 are directed to a method for conveying information and note that the '966 patent does not disclose that the plastic wrap described therein could be used for conveying information. In fact, the '966 patent is not directed at a writing, but at a plastic wrap suitable for use in a microwave oven.

Conclusion

In view of the above, applicants respectfully submit that all claims are in condition for allowance and request early and favorable reconsideration of the present application. The Examiner should feel free to contact the applicants' by telephone if there are any questions concerning this amendment or application.

The commission is hereby authorized to charge any fee that may be due in connection with this paper to Deposit Account No. 14-1447 and to credit any overpayment to the same account.

Respectfully submitted,



Date: July 1, 2002

Marc A. Began Reg. No. 48,829
Novo Nordisk of North America, Inc.
405 Lexington Avenue, Suite 6400
New York, NY 10174-6401
(212) 867-0123



23650

PATENT TRADEMARK OFFICE